

REMARKS

Claims 1-20 are pending in this application. Claims 1-3, 6-8, 10, 11 and 13 have been amended, and claims 14-20 have been added. Claims 2, 3, 6, 7, 10 and 11 have been amended to remove minor but evident errors, typographical errors or otherwise to improve the clarity of the claims. Claim 8 has been amended to draw out another aspect of the invention. Claims 14-20 have been added. Claim 14 incorporates the subject matter of allowable claim 5 into original claim 1. Claim 18 incorporates the subject matter of allowable claim 10. These claims are believed allowable over the prior art.

Allowable Subject Matter

Applicants would like to thank the Examiner for acknowledging the allowable subject matter of claims 5 and 9-11, if they were to be written in independent form including all of the limitation of the base claim and any intervening claims.

Rejection under 35 USC §102 and §103

The Examiner rejected claims 1-4, 7 and 13 under 35 USC 102(b) as being anticipated by US Patent No. 1,908,939 to Venditti ("Venditti"). The Examiner also rejected claims 6, 8 and 12 under 35 USC 103 as being obvious in view of Venditti. Applicant asserts that these rejections are moot in view of the amendments to claims 1 and 13.

Applicant has amended claims 1 and 13 to include feature of one or more walls of the container being "substantially vertical". Venditti fails to show a recess located on any substantially vertical wall. As such, it is believed that claims 1 and 13, including a recess portion on a substantially vertical wall, is both novel and non-obvious in view of Venditti. Therefore, Applicant respectfully assert that claims 1 and 13 are in condition for allowance. Likewise, claims 2 through 12, which are dependent upon claim 1, are also believed to be in condition for allowance.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants reserve the right to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 593-9900.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-1097 for any fee which may be due.

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